

**REMARKS**

Claims 1-4, 7-11, 14-19, 21-24 and 26-35 are pending in this application. By this Amendment, the specification, claims 1, 3-4, 7-8, 10, 14-15, 17, 19 and 21-24 and 26 are amended, claims 5-6, 12-13, 20 and 25 are canceled without prejudice or disclaimer and new claims 27-35 are added. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action rejects claims 1, 3, 7-10, 14-17, 21-22 and 26 under 35 U.S.C. §102(e) by U.S. Patent 6,259,724 to Esmailzadeh. The Office Action also rejects claims 1-6, 9-13, 16-20 and 22-25 under 35 U.S.C. §102(e) by U.S. Patent 9,498,785 to Derryberry et al. (hereafter Derryberry). Still further, the Office Action rejects claims 1, 3, 5, 7-10, 12-17, 21-23 and 26 under 35 U.S.C. §102(e) by U.S. Patent 6,628,956 to Bark et al. (hereafter Bark). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 1 recites transmitting a preliminary signal with a first transmission power from the first station to a second station, transmitting a first packet data from the first station to the second station with the first transmission power, increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station and transmitting a second packet data from the first station to the second station with the increased second transmission power.

The applied references do not teach or suggest the features of independent claim 1. More specifically, the applied references do not suggest the claimed transmitting a preliminary signal with a first transmission power and transmitting a first packet data with the first transmission

power. Additionally, the applied references do not teach or suggest the claimed increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station and transmitting a second packet data from the first station to the second station with the increased second transmission power.

Esmailzadeh discloses that a mobile station may access a base station receiver by a power ramping process to increase a power level of each successfully transmitted preamble symbol. See col. 1, lines 48-52. Esmailzadeh also specifically discloses an access request phase. See col. 3, line 43. Additionally, Esmailzadeh's col. 4, lines 19-35 relates to the mobile station receiving information from the base station and determining a transmission level required for the access frame to be received with a predetermined symbol-to-interference ratio. However, these features do not teach or suggest transmitting a preliminary signal with a first transmission power, transmitting a first packet data with the first transmission power and increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station. Additional features relating to the claimed "increasing the transmission power" were previously recited in dependent claim 5, which was not rejected based on Esmailzadeh.

Derryberry states that the transmission power level may be determined based on a desired performance level of the first channel. See the Abstract, lines 5-7. Derryberry also discloses, in col. 1, lines 53-67, that access probe transmissions may be transmitted at relatively low power and gradually increased until a response is obtained from the system. The Office Action also

relies on Derryberry's col. 9, lines 30-40. However, these features relate to an initial access probe that is transmitted to the base station and the access probe is transmitted at successively higher power until the base station acknowledges receipt of the probe. See col. 9, lines 32-40. Derryberry also discloses the base station may detect the preamble of the access probe and measure the received power. The base station may then generate a power control command that may be sent to the mobile station. See col. 9, lines 42-55. However, these features do not relate to transmitting a preliminary signal with a first transmission power, transmitting a first packet data with the first transmission power and increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station.

Bark discloses that an access signal may be gradually increased until a base station detects and acknowledges the signal. See col. 4, lines 1-21. Additionally, Bark discloses that a mobile station may transmit only short preamble signals with increasing power until the base station detects the received preamble energy. See col. 4, lines 22-34. However, these features do not relate to transmitting a preliminary signal with a first transmission power, transmitting a first packet data with the first transmission power and increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station.

For at least the reasons set forth above, the applied references, either alone or in combination, do not teach or suggest all the features of independent claim 1. That is, the applied references do not teach or suggest transmitting a preliminary signal with a first transmission

power from the first station to a second station and transmitting a first packet data from the first station to the second station with the first transmission power. Further, the applied references do not teach or suggest increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station and transmitting a second packet data from the first station to the second station with the increased second transmission power. Accordingly, independent claim 1 defines patentable subject matter.

Independent claim 10 also defines patentable subject matter. That is, independent claim 10 recites transmitting a preamble from the first station to a second station with a first transmission power, receiving a channel occupying signal from the second station as a response to the preamble, and transmitting first packet data from the first station to the second station after the channel occupying signal is received. Independent claim 10 also recites increasing the transmission power of the first station to an increased second transmission power if the first packet data transmission is not successfully received by the second station and transmitting a second packet data from the first station to the second station with the increased second transmission power. For at least similar reasons as set forth above, the applied references do not teach or suggest all the features of independent claim 10. Thus, independent claim 10 defines patentable subject matter.

Independent claim 17 also defines patentable subject matter. That is, independent claim 17 recites a mobile terminal configured to transmit packet data to a base station at a first transmission power and to increase the transmission power to a second transmission power

when the packet data is not successfully received by another entity, wherein the second transmission power is determined based on at least one of a previous transmission power of the mobile terminal and control information received by the mobile terminal. Independent claim 17 also recites a base station coupled to communicate with the mobile terminal and configured to transmit the control information to the mobile terminal. For at least similar reasons as set forth above, the applied references do not teach or suggest these features. Additionally, the applied references do not teach or suggest that a second transmission power is determined based on at least one of a previous transmission power (of a mobile terminal) and control information. Thus, independent claim 17 defines patentable subject matter.

Still further, independent claim 22 recites means for transmitting a preliminary signal at a first transmission power and means for transmitting a first packet data if an acknowledgment to the preliminary signal is received. Independent claim 22 also recites means for increasing the transmission power of the packet data transmission if the first packet data transmission is not successfully received by a second station and means for transmitting a second packet data at the increased transmission power. For at least similar reasons as set forth above, the applied references do not teach or suggest all these features of independent claim 22. Thus, independent claim 22 defines patentable subject matter at least for this reason.

Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references. For example, dependent claim 28 recites receiving a channel compensating value from the second station.

Further, dependent claim 29 recites calculating the increased second transmission power based on the channel compensating value received from the second station. See also dependent claims 27, 32, 33 and 35. The applied references do not teach or suggest these features as the references do not relate to a channel compensating value. Thus, dependent claims 27, 28, 29, 32, 33 and 35 define patentable subject matter at least for these additional reasons.

Still further, dependent claim 30 recites that the preliminary signal comprises a collision detect (CD) signal. The applied references do not teach or suggest these features. Thus, these dependent claims define patentable subject matter at least for these additional reasons.

Even further, dependent claim 7 recites the increased second transmission power is calculated based on the first transmission power used by the first station in the first packet data transmission to the second station, a controlled amount of the transmission power by the second station, a changed amount of power received at the first station, and a channel compensating value of the second station. Dependent claim 8 recites the second transmission power is determined by summing the first transmission power used in the first packet data transmission, the controlled amount of the transmission power by the second station, the changed amount of power received at the first station, and the channel compensating value of the second station. The applied references do not teach or suggest these specific features of dependent claims 7 and 8 (as well as dependent claims 14-15, 21 and 26). Thus, dependent claims 7-8, 14-15, 21 and 26 define patentable subject matter at least for these additional reasons.

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### **CONCLUSION**

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 1-4, 7-11, 14-19, 21-24 and 26-35 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
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